

Western Region BMP Newsletter Update

Do You Need a SMZ? ...Or a Riparian Buffer? Or Both!

What's Intermittent? What's Perennial? Is it on the Map? Does it Matter?

The [2014 2nd Quarter Edition](#) focused on a good “zone defense,” referring to Streamside Management Zones (SMZs). In North Carolina, a SMZ is required during forestry operations along any intermittent stream or perennial stream or perennial waterbody. This requirement is spelled out in state rule [02 NCAC 60C .0201, within the Forest Practices Guidelines Related to Water Quality \(called the FPGs\).](#)

This is old news, right? The SMZ requirement of the FPGs has been around since these rules were adopted in 1990. Well, there is still confusion out there.

This confusion started around the time that special riparian buffer rules were established for certain river basins and watersheds in North Carolina, starting around 2000. These buffer rules are an additional layer of regulation that applies on top of the SMZ requirement spelled out in the FPGs. In the western area of North Carolina [the riparian buffer rules include:](#)

- ◆ Catawba River Riparian Buffer Rule: 15A NCAC 02B 0243.
- ◆ Goose Creek Watershed Riparian Buffer Rule: 15A NCAC 02B .0601-.0609.

Most of these buffer rules require a mandatory protected buffer of uncut or select-cut trees. The confusion comes from the fact that these buffer rules only apply to certain streams, if that stream appears on the most recently published version of either a USGS 7.5-minute topographic map, or a USDA-NRCS Soil Survey map. The streams where the buffer rule applies are commonly called “blue line streams,” because they often are drawn in blue color on the topographic maps.

However, unlike the buffer rules, the SMZ requirement of the FPGs applies to any intermittent stream or perennial stream:

- ⇒ If the stream is on-the-ground, then a SMZ is required. Period.
- ⇒ It does not matter if that stream appears on any map, or not.

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UPCOMING EVENTS

OCT. 8, 9, 10 @ Marion.
McDowell Community College.
ProLogger Base Course
(Last for 2014). [Contact NCFA.](#)
919-834-3943, Ext.3.

NOV. 17-20 @ Charlotte.
[EcoStream Restoration Conference.](#) [Contact NCSU.](#)
919-515-6780.

NOV. 20 @ Asheville.
Cooperative Extension Office.
Technical Foundations in Urban
Forestry. [Contact NC Urban Forestry Council: www.ncufc.org](#)

Do You Need a SMZ?Or a Riparian Buffer? Or Both!

Is this mountain stream intermittent or perennial? Does it appear on any official maps?

No matter the answers to either of those questions, a Streamside Management Zone (SMZ) must be established along each side during logging or other forestry-related, land-disturbing work.

The SMZ is intended to keep sediment out of the water, and provide shade on perennial streams.



And just to add some additional confusion, intermittent streams and perennial streams are defined and identified differently between the FPG rules and the various buffer rules.

Confused? Frustrated? Don't Worry. We can help.

Call the NCFS BMP contact person in your area (page 4) for assistance or advice.

We can come to your logging job (ideally before you start cutting trees!) and make a determination about which type of SMZ and/or buffer is needed along each stream on your job site. In fact, it is not unusual for one logging job to have multiple different types of SMZs and stream buffers, because some of the streams may be mapped while others are not.

The WOTUS Are Among Us.

“WOTUS” is a clever abbreviation for “Waters of the United States.” These are the streams, wetlands, bogs, rivers, ponds and other bodies of water that are protected by federal law so that our nation’s water quality is protected for all to use and benefit from.

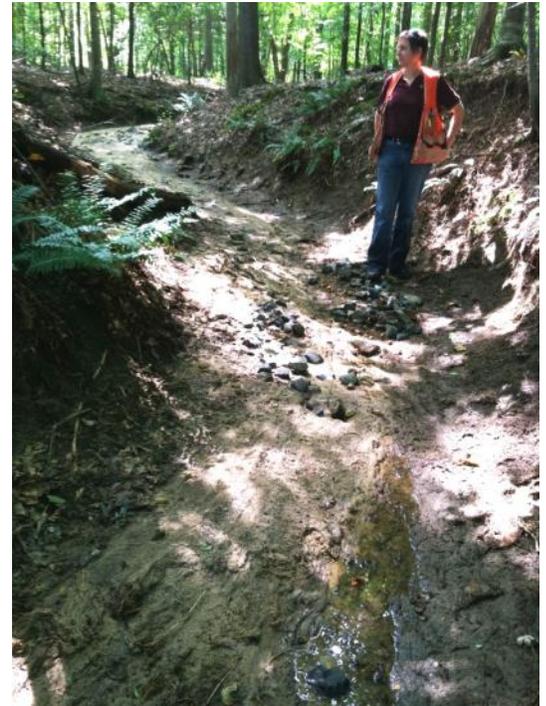
The US-EPA has proposed to change the legal definition of WOTUS, in response to multiple lawsuits and resulting U.S. Supreme Court rulings that have lacked clarity or clear direction as to how WOTUS should be defined. The public comment period for the proposed new WOTUS rule closes on *November 14, 2014*. The proposed new rule and comment forms are available at the US-EPA website: <http://www2.epa.gov/uswaters/documents-related-proposed-definition-waters-united-states-under-clean-water-act> .

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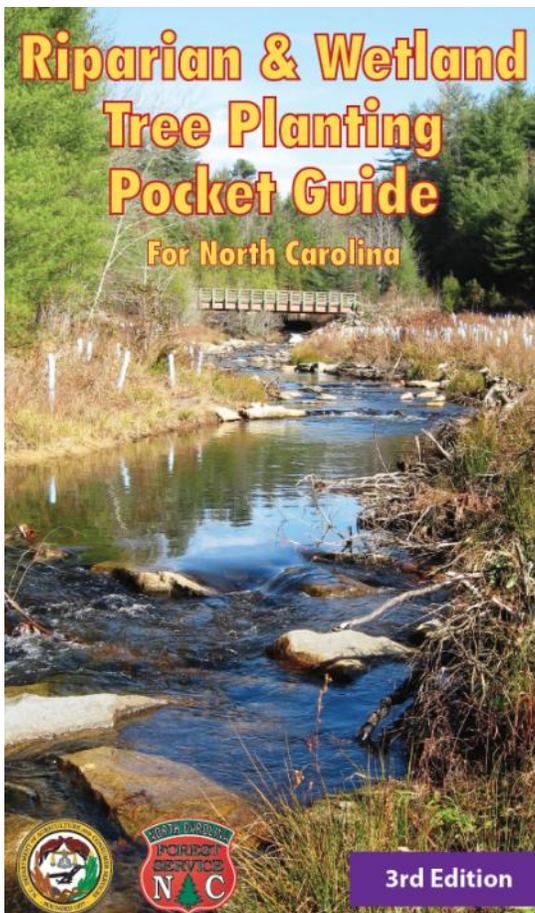
WOTUS (continued from page 2)

Many foresters and forest owners are concerned that the proposed changes to the WOTUS rule may require significant changes to traditional and well-established forestry practices on certain sites, regardless of whether or not appropriate forestry Best Management Practices (BMPs) are implemented. For example, the proposed WOTUS rule includes language to claim many ephemeral streams and man-made ditches as federally-protected waters, as well as the adjacent lands next to them.

The forestry community across the nation is working to provide constructive comments and feedback. As part of that outreach effort, the N.C. Forest Service and N.C. Dept. of Agriculture and Consumer Services hosted a meeting and brief tour of a forestry site with staff from the US-EPA at the end of September, at the [Stan Adams Training Center](#) on [Jordan Lake Educational State Forest](#). As notable progress occurs with this proposed rule, we will provide updates in future newsletters.



The type of channel shown above, which only receives water after it rains, may be included as a federally-protected "waters of the US," based on some interpretations of the new proposed rule.



New Pocket Guide for Planting Trees for a Stream or Wetland

The 3rd Edition of the "Riparian & Wetland Tree Planting Pocket Guide for North Carolina" was published in August and made its debut at the 2014 Water Education Summit in Asheville. Additionally, this updated pocket guide will be featured at the N.C. Forest Service exhibit and presentation during the 2014 [EcoStream Restoration Conference](#) in Charlotte, November 17-20th.

This latest revision includes new photos, additional information on live staking, new information about using tree protection shelters, and explains the practice of stick-planting in mucky, saturated soils; along with other improvements and edits.

Only 2,500 copies were printed. After the EcoStream conference, a limited number of copies will be distributed to each NCFS District Office.

The pocket guide is available from the [NCFS Publications website, in the Water Quality section.](#)

North Carolina Forest Service

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District Office BMP Contacts

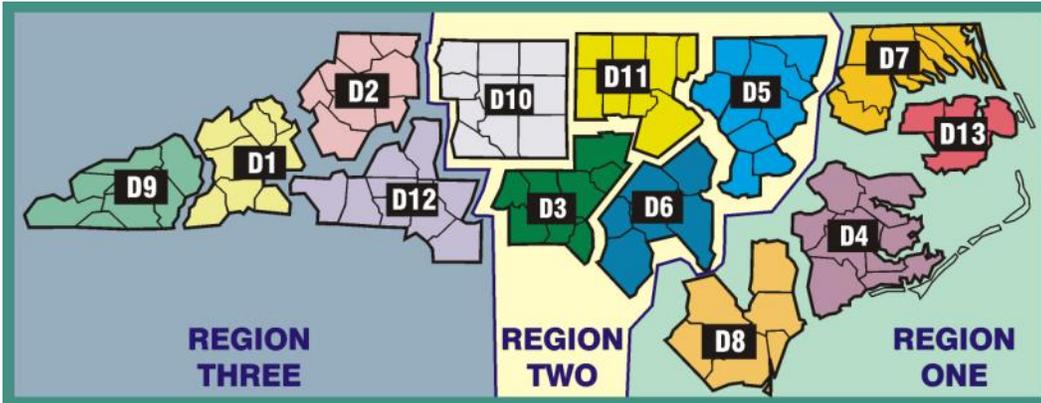
High Country, Northern Foothills: D-2
Lenoir: 828-757-5611
Roger Miller, Water Quality Forester

Catawba Valley, Southern Foothills: D-12
Mount Holly: 704-827-7576
Beth Plummer, Water Quality Forester

Central Mountains: D-1
Asheville: 828-667-5211
Caleb Jones, Assistant District Forester

Western Mountains: D-9
Sylva: 828-586-4007
Hugh Hassell, Assistant District Forester

Western Region Office: R-3
Asheville: 828-665-8688
Michael Cheek, Asst. Regional Forester



Surf The Web

Manage and Protect Your Forest - www.ncforestservice.gov

NCDA&CS Agricultural Services - www.ncagr.gov

Keep Your Home Safe From Wildfire - www.ncfirewise.org

Go Out and Learn in the Forest - www.ncesf.org

Locate NC-Grown Farm and Forestry Products - www.ncfarmfresh.com

What's Wrong With This Picture?



No erosion & sediment control BMPs were installed.
Soil is washing off the road surface and roadside cut-banks.
No groundcover, grass or other vegetation, or gravel was applied to create a permanently stabilized surface. Photo taken in Wilkes County, July 2013. Ironically, this road was constructed without knowledge or permission from the landowner's forester, for the purposes of installing a telecommunications tower. Landowners must be vigilant in monitoring access to their lands.